

OBJECTION

☐ Plan is not feasible:

☒ Plan is not proposed in good faith or is forbidden by law: Debtors have not filed all required tax returns. Prior to confirmation a debtor must have "filed all applicable Federal, State, and local tax returns as required by section 1308." 11 U.S.C. § 1325(a)(9). Under section 1308(a), the debtor must file all applicable tax returns for the 4-year period ending on the date of the filing of the petition. Based on information and belief, debtors have not filed the 2015 through 2018 tax returns. Confirmation should be denied until such time as the returns are filed.

☐ Plan fails to commit all excess disposable income for the applicable commitment period as required by 11 U.S.C. § 1325(b)(1)(B):

☒ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4): Based on information and belief, the liquidation value of the estate exceeds the unsecured claims; therefore, the plan should pay interest on unsecured claims at the Federal Interest Judgment Rate. The plan currently proposes an interest rate of 0.03%.

☐ Schedules or other documentation insufficient:

☒ Other: The plan should be amended to provide treatment for the HUD mortgage lien. Court's Claim #1-1.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 9th day of September, 2019.

/s/ Matthew J.P. Johnson

Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee